

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JUSTIN O'BRIEN, *on behalf of himself and all
others similarly situated*

Plaintiff,

v.

SMOOTHSTACK, INC.,

Defendant.

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: Civil Action No. 1:23-cv-00491-RDA-LRV

[Proposed] ORDER

THIS MATTER came before the court on Defendant's, Smoothstack, Inc. ("Defendant"), Motion to Dismiss (the "Motion") filed pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and Rule 7 of this Court's Local Civil Rules;

IT APPEARING to the Court, based upon the pleadings, the Motion, and argument of counsel, that the Defendant's Motion should be granted; it is hereby

ORDERED that Defendant's Motion is GRANTED, and that Counts III, IV, V, and VI of Plaintiff's Complaint are dismissed with prejudice.

ENTERED this ____ day of _____, 2023

United States District Court Judge